

**LEVINE & ASSOCIATES, P.C.**  
**~~ATTORNEYS-AT-LAW~~**

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February 23, 2022

**Via ECF and e-mail**

Hon. Robert D. Drain  
U.S. Bankruptcy Court  
300 Quarropas Street  
White Plains, NY 10601-4140

**RE: Congregation Radin Development v. Mosdos, et. al .(21-07023)**

Dear Judge Drain:

The undersigned is counsel to one of the defendants in the above-referenced adversary proceeding. Yesterday, as the Court may recall, when the Court was discussing scheduling, I indicated that all of the motions had been fully briefed, with the exception of Defendants' reply to the opposition to the summary judgment motion (and Plaintiff's reply on the motion to dismiss CRDI's counterclaims). I indicated that we intended to submit our reply on the summary judgment motion today, which is when I had it calendared as being due. I learned yesterday evening, however, that I would be attending a funeral today and intended to request a one-day extension in that time. Before I could do that, however, Mr. Spolzino sent a letter to the Court (at 9:40 am) this morning pointing out, correctly, that those papers should have been served on his office by 4:00 pm yesterday. This miscalculation of the time for service of the reply papers was inadvertent and solely the fault of our side. As the Court knows, every issue in every adversary proceeding in this case for the past several years has been hotly contested and a full set of papers from both sides has always been considered by the Court.

As such, we would respectfully request that, in lieu of the Court considering the summary judgment motion on only the moving and opposition papers as already submitted, that the Court consider either extending our time to serve and file reply papers to tomorrow, February 24<sup>th</sup>, or alternatively, adjourning all three motions (the summary judgment motion, the second motion for remand and the motion to dismiss CRDI's counterclaims) to next week. I spoke to Ms. Li this morning, who advised that she could possibly make next Tuesday (March 1<sup>st</sup>) available but, failing that, that March 4<sup>th</sup> was available.

Again, I offer no excuse for the failure to serve the papers yesterday other than that it was an error on our side, however, if the motions are adjourned for a few days there would be no prejudice to the Plaintiffs.

**LEVINE & ASSOCIATES, P.C.**  
**ATTORNEYS-AT-LAW**

**Hon. Robert D. Drain**  
**Page 2**

**February 23, 2022**

Thank you for your attention.

Respectfully,

*Michael Levine*

MICHAEL LEVINE

cc. All counsel (via email)